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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,411	07/23/2003	David Lai	DOGO.P010	1076

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EXAMINER	
RAMOS FELICIANO, ELISEO	
ART UNIT	**PAPER NUMBER**
2617	

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/626,411	LAI, DAVID	
	Examiner	Art Unit	
	Eliseo Ramos-Feliciano	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 April 2006 (RCE)*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Art Unit – Notice

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/27/2006 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 1-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakai et al. (US Patent Application Publication Number 2004/0260923 A1) in view of Galecki (US Paten Number 5,444,764).

Regarding **claim 1**, Nakai et al. discloses a portable communication device (Figures 1-2) comprising:

at least one processor coupled to at least one transceiver (contents processing device / mobile telephone – paragraphs 0018, 0034); and

an identity module (103 – Figure 1 / 202 – Figure 2; paragraph 0047) removeably coupled to the processor, wherein information of the identity module controls operation of the device, wherein the processor generates a binding file that comprises binding information and a device ID (DID), wherein the binding information comprises identification information from components of the device (e.g. device ID) and subscriber information (e.g. telephone number) from the identity module, and wherein the processor forms an association between the device and the module by assigning the device identification (DID) to the binding information, and storing the binding file in a memory area (203, 204) of the module, wherein the subscriber information enables access to "contents" (paragraphs 0036, 0047, 0059, 0073, 0082).

Because the claim does not require the identification information from components of the device to be unique and distinct from the device ID they can be the same ID/identification number: Nakai et al.'s device ID.

However, Nakai et al. fails to specify that the enabled access is to subscribed services of a communications network.

The use of SIM cards (as Nakai et al.'s card) for enabling access to subscribed services of a communications network is well known in the art and Galecki is evidence of the fact.

Galecki discloses using a SIM card (identity module removeably coupled to the processor as claimed) for allowing or enabling access to subscribed services of a

communications network (see column 1, lines 5-12, 59-61) for the advatage of added security and privacy.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to enable Nakai et al.'s access to subscribed services of a communications network as taught by Galecki for the advatage of added security and privacy.

Regarding **claim 2**, Nakai et al. discloses everything claimed as applied above (see *claim 1*). In addition, Nakai et al. discloses wherein the identity module is at least one of a Subscriber Identity Module (SIM), a SIM card, a User Identity Module (UIM), a UIM card, a digital data storage device, a smart card, a compact flash memory device, and a portable memory device. In this case, for example, a SIM card or UIM card (paragraph 0047).

Regarding **claim 3**, Nakai et al. discloses everything claimed as applied above (see *claim 1*). In addition, Nakai et al. discloses wherein the identification information includes at least one of an International Mobile Equipment Identity (IMEI), a Type Approval Code (TAC), a Final Assembly Code (FAC), a Serial Number (SNR), an Electronic Serial Number (ESN), an embedded digital signature, a device model, information of a software version of the portable communication device, and configuration information of the portable communication device. In this case, for example, device ID permitting unique identification of the mobile telephone; or type of the mobile telephone; therefore, SNR, ESN, digital signature, or device model (paragraph 0036 and abstract).

Regarding **claim 4**, Nakai et al. discloses everything claimed as applied above (see *claim 1*). In addition, Nakai et al. discloses wherein the memory area of the module includes a non-volatile memory (RAM, ROM – paragraphs 0036, 0047).

Regarding **claim 5**, Nakai et al. discloses everything claimed as applied above (see *claim 1*). In addition, Nakai et al. discloses wherein the device is at least one of personal computers, portable computing devices, cellular telephones, portable telephones, portable communication devices, and personal digital assistants. In this case, for example: cellular telephones, portable telephones, mobile telephone, etc (paragraph 0018); PDA, personal computers (paragraph 0046).

Regarding **claim 6**, Nakai et al. discloses a communication device (Figures 1-2) comprising a control subsystem (program / contents processing – paragraphs 0018, 0034) that forms an electronic linkage (I/F 205) between the device (101, 201) and a removeably coupled identity module (103 – Figure 1 / 202 – Figure 2; paragraph 0047), wherein the control subsystem reads identification information of the components and the identity module and, in response, dynamically links the device to the identity module by writing the identification information to a binding file of the identity module along with an assigned device identification corresponding to the device and identity module combination (e.g. device ID and telephone number) (paragraphs 0036, 0047, 0059, 0073, 0082), wherein information of the binding file controls subsequent activation and operation of the device in a communication network (permitting only that specific mobile telephone to read out contents – paragraphs 0008, 0009, 0011, 0014, etc).

However, Nakai et al. fails to specify that the enabled access is to subscribed services of a communications network.

The use of SIM cards (as Nakai et al.'s card) for enabling access to subscribed services of a communications network is well known in the art and Galecki is evidence of the fact.

Galecki discloses using a SIM card (identity module removeably coupled to the processor as claimed) for allowing or enabling access to subscribed services of a communications network (see column 1, lines 5-12, 59-61) for the advatage of added security and privacy.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to enable Nakai et al.'s access to subscribed services of a communications network as taught by Galecki for the advatage of added security and privacy.

Regarding **claim 7**, Nakai et al. discloses a portable communication device (Figures 1-2) comprising:

means for receiving identification information from components of the device (mobile telephone – paragraphs 0018, 0034);

means for receiving (I/F 205) subscriber information from a module removeably coupled to the device (103 – Figure 1 / 202 – Figure 2; paragraph 0047);

means for electronically associating the device with the module by assigning a device identification to binding information including the identification information and the subscriber information (e.g. device ID and telephone number) (paragraphs 0036, 0047, 0059, 0073, 0082); and

means for generating a binding file in a memory area of the module and storing the device identification and the binding information in the binding file (203, 204 – paragraphs 0036, 0047, 0059, 0073, 0082).

However, Nakai et al. fails to specify that the enabled access is to subscribed services of a communications network.

The use of SIM cards (as Nakai et al.'s card) for enabling access to subscribed services of a communications network is well known in the art and Galecki is evidence of the fact.

Galecki discloses using a SIM card (identity module removeably coupled to the processor as claimed) for allowing or enabling access to subscribed services of a communications network (see column 1, lines 5-12, 59-61) for the advatage of added security and privacy.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to enable Nakai et al.'s access to subscribed services of a communications network as taught by Galecki for the advatage of added security and privacy.

Regarding **claim 8**, Nakai et al. discloses a communications system comprising:

a communications network including a plurality of network components (Figures 5, 12); and

at least one personal communication device (Figures 1-2) coupled to the network for use by subscribers in transmitting and receiving information, the communication device including at least one processor coupled among at least one transceiver (contents processing device / mobile telephone – paragraphs 0018, 0034) and a removable identity

module (103 – Figure 1 / 202 – Figure 2; paragraph 0047) so that information of the identity module controls operation of the communication device, wherein the processor receives binding information including identification information from components of the communication device (e.g. device ID) and subscriber information (e.g. telephone number) from the identity module and transmits the binding information to the network components, wherein the processor receives a device identification from the network components and dynamically binds the communication device with the identity module by generating at least one binding file in a memory area (203, 204) of the identity module and storing the device identification along with the associated binding information in the binding file (paragraphs 0036, 0047, 0059, 0073, 0082).

However, Nakai et al. fails to specify that the enabled access is to subscribed services of a communications network.

The use of SIM cards (as Nakai et al.'s card) for enabling access to subscribed services of a communications network is well known in the art and Galecki is evidence of the fact.

Galecki discloses using a SIM card (identity module removeably coupled to the processor as claimed) for allowing or enabling access to subscribed services of a communications network (see column 1, lines 5-12, 59-61) for the advatage of added security and privacy.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to enable Nakai et al.'s access to subscribed services of a communications network as taught by Galecki for the advatage of added security and privacy.

Regarding **claim 9**, Nakai et al. discloses everything claimed as applied above (see *claim 8*). In addition, Nakai et al. discloses wherein the processor is further configured to (MPEP 2114): determine if the communication device and the identity module are registered to provide service on the communications network by comparing the subscriber information with the binding information; in response to a determination that the communication device and the identity module are registered, activating the communication device and the identity module using information of the binding file; and in response to a determination that at least one of the communication device and the identity module are not registered, registering at least one of the communication device and the identity module and generating a binding among the communication device and the identity module by associating a device identification with the identification information and the subscriber information, and storing the device identification, the identification information, and the subscriber information in the binding file (see citations above and paragraph 0076).

Regarding **claim 10**, Nakai et al. discloses everything claimed as applied above (see *claim 8*). In addition, Nakai et al. discloses a data stream including the binding information, wherein the data stream is generated by the communication device and transmitted to at least one of the network components via at least one coupling between the communication device and the network components (e.g. the binding information / data is transmitted between 201 and 202 via 205; Figure 2).

Regarding **claim 11**, Nakai et al. discloses everything claimed as applied above (see *claim 8*). In addition, Nakai et al. discloses the coupling among the network components and the personal communication device is at least one of wireless

connections, wired connections, and hybrid wireless/wired connections (see Figures 1-2, 5, 12).

Regarding **claim 12**, Nakai et al. discloses everything claimed as applied above (see *claim 8*). In addition, Nakai et al.'s system must be one of local area networks (LANs), metropolitan area networks (MANs), wide area networks (WANs), proprietary networks, backend networks, and the Internet as claimed.

Claims 13-30 are obvious method claims of device *claims 1-12*. Therefore, same reasons explained above are applied.

Response to Arguments

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication from the examiner should be directed to Eliseo Ramos-Feliciano whose telephone number is 571-272-7925. The examiner can normally be reached from 8:00 a.m. to 5:30 p.m. on 5-4/9 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro, can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ELISEO RAMOS-FELICIANO
PRIMARY EXAMINER

ERF/erf
July 22, 2006